

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2638 - HB 3124**

February 10, 2012

**SUMMARY OF BILL:** Requires a judge to award costs and reasonable attorneys' fees to the prevailing party in a civil proceeding in which the court granted or denied a motion to dismiss. Specifies that costs include, but are not limited to, court costs, attorneys' fees, investigation expenses, deposition costs, fees for two expert witnesses, court reporter fees, interpreter fees, and guardian ad litem fees. Requires the award to be made after all appeals are exhausted. Exempts actions by or against the state, other governmental entities, or public officials acting in their official capacity under color of law. Exempts pro se litigants who have not acted unreasonably in bringing the claim.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- According to the Administrative Office of the Courts, new guidelines for the award of costs and attorneys' fees in specified civil cases will not affect caseloads. Therefore, the impact is not significant.
- The proposed legislation exempts actions by or against the state, other governmental entities, or public officials acting in their official capacity. Therefore, there will not be any significant change to any costs awarded against the state or local governments.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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